

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1410

Introduced by ~~Committee on Jobs, Economic Development, and the Economy (V. Manuel Pérez (Chair), Beall, Block, Grove, Hueso, and Morrell)~~ Assembly Member V. Manuel Pérez
(Coauthor: Assembly Member Nestande)
(Coauthor: Senator Emmerson)

March 10, 2011

An act to ~~add the heading of Chapter 1 (commencing with Section 99500) to, to add Chapter 2 (commencing with Section 99520) and Chapter 3 (commencing with Section 99530) to, Title 20 of, and to repeal Chapter 8 (commencing with 8700) and Chapter 8.1 (commencing with 8710) of Division 1 of Title 2 of, the Government Code, and to amend Section 71103.5 of the Public Resources Code, relating to state government.~~ *add Article 2 (commencing with Section 2940) to Chapter 13 of Division 3 of the Fish and Game Code, relating to the Salton Sea, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1410, as amended, ~~Committee on Jobs, Economic Development, and the Economy V. Manuel Pérez. State government: international relations.~~ *Salton Sea restoration.*

Existing law establishes, until January 1, 2013, the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea.

This bill would require the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, as defined, to lead Salton Sea restoration efforts. This bill would require the secretary, in consultation and coordination with the authority, to form a technical advisory group, as prescribed, to provide guidance about evaluating, developing, or proposing future restoration or economic development activities. This bill would also require the secretary to seek input from the authority with regard to specified components of restoration of the Salton Sea. By imposing duties on a local joint powers authority, the bill would impose a state-mandated local program.

This bill would authorize the authority to lead a restoration funding and feasibility review, as prescribed. If the authority undertakes the study, this bill would require the Department of Fish and Game to enter into a funding agreement with the authority for the purposes of this study.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the California-Mexico Border Relations Council to, among other things, coordinate activities of state agencies that are related to cross-border programs, initiatives, projects, and partnerships that exist within state government. Existing law also authorizes the Office of California-Mexico Affairs to develop better relations with Mexico by coordinating with state agencies to foster economic cooperation.~~

~~This bill would repeal, and recast those provisions relating to the California-Mexico Border Relations Council. This bill would repeal, and recast those provisions relating to the Office of California-Mexico Affairs.~~

~~This bill would also make various conforming changes.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 2 (commencing with Section 2940) is*
2 *added to Chapter 13 of Division 3 of the Fish and Game Code, to*
3 *read:*

4
5 *Article 2. Salton Sea Restoration*
6

7 2940. *The Legislature finds and declares all of the following:*

8 (a) *The Salton Sea is California's largest inland water body*
9 *with beneficial uses that include fisheries and wildlife habitat and*
10 *preservation of endangered species, and is a repository for*
11 *agricultural drainage.*

12 (b) *The Salton Sea ecosystem is a critical link on the*
13 *international Pacific Flyway and supports over 400 species of*
14 *birds.*

15 (c) *The Salton Sea is threatened by increasing salinity and*
16 *reduced inflows. These changes increasingly threaten the*
17 *unparalleled wildlife resources at the sea, as well as air quality*
18 *in the region.*

19 (d) *In cooperation with others, the Salton Sea Authority can*
20 *help protect wildlife habitats and endangered species, improve*
21 *water and air quality, and enhance recreational opportunities in*
22 *the region.*

23 (e) *In restoring the Salton Sea, it is the intent of the Legislature*
24 *to do all of the following:*

25 (1) *Permanently protect fish and wildlife that are dependent on*
26 *the Salton Sea ecosystem.*

27 (2) *Restore the long-term stable aquatic and shoreline habitat*
28 *for fish and wildlife that depend on the Salton Sea.*

29 (3) *Mitigate air quality impacts from restoration using the best*
30 *available technology, as determined by the South Coast Air Quality*
31 *Management District and the Imperial County Air Pollution*
32 *Control District.*

33 (4) *Protect water quality.*

34 (5) *Maintain the Salton Sea as a vital link along the Pacific*
35 *Flyway.*

36 (6) *Preserve local tribal heritage and cultural values associated*
37 *with the Salton Sea.*

1 (7) *Minimize noxious odors and other water and air quality*
2 *problems.*

3 (8) *Coordinate with state and federal agencies that are*
4 *responsible for air quality, endangered species, and other*
5 *environmental mitigation implementation requirements of the*
6 *Quantification Settlement Agreement.*

7 (9) *Enhance economic development opportunities that will*
8 *provide sustainable financial improvements benefiting the local*
9 *environment and the economic quality of life for communities*
10 *around the Salton Sea.*

11 2941. *Unless the context requires otherwise, the definitions*
12 *set forth in this section govern the construction of this article.*

13 (a) *“Agency” means the Natural Resources Agency.*

14 (b) *“Habitat mosaics” means two or more proximate habitat*
15 *types, such as saltwater shoreline abutting riverine deltas and*
16 *irrigated farmland.*

17 (c) *“Quantification Settlement Agreement” has the same*
18 *meaning as defined in subdivision (a) of Section 1 of Chapter 617*
19 *of the Statutes of 2002.*

20 (d) *“Salton Sea Authority” or “authority” means the joint*
21 *powers authority comprised of the County of Imperial, the County*
22 *of Riverside, the Imperial Irrigation District, the Coachella Valley*
23 *Water District, and the Torres Martinez Desert Cahuilla Indian*
24 *Tribe.*

25 (e) *“Secretary” means the Secretary of the Natural Resources*
26 *Agency.*

27 (f) *“Technical advisory group” means the technical advisory*
28 *group formed pursuant to subdivision (b) of Section 2942.*

29 2942. (a) (1) *The secretary, in consultation and coordination*
30 *with the Salton Sea Authority, shall lead the Salton Sea restoration*
31 *efforts that shall include all of the following:*

32 (A) *Early start species conservation habitat demonstration*
33 *projects.*

34 (B) *Biological investigations relating to the restoration of the*
35 *Salton Sea.*

36 (C) *Investigations of water quality, sedimentation, and inflows*
37 *relating to the restoration of the Salton Sea.*

38 (D) *Air quality investigations relating to the restoration of the*
39 *Salton Sea.*

1 (E) *Geotechnical investigations relating to the restoration of*
2 *the Salton Sea.*

3 (F) *Financial assistance grant programs to support restoration*
4 *activities of local stakeholders.*

5 (2) *The secretary and the Legislature shall maintain full*
6 *authority and responsibility for any state obligation under the*
7 *Quantification Settlement Agreement. The secretary and the*
8 *Legislature shall have final approval for any proposed restoration*
9 *plan.*

10 (3) (A) *To the extent that funding is appropriated to the*
11 *department for Salton Sea restoration activities, the Department*
12 *of Water Resources, in coordination and under agreement with*
13 *the department, may undertake restoration efforts identified in this*
14 *subdivision.*

15 (B) *The department and the Department of Water Resources*
16 *shall do all of the following for the Salton Sea Species*
17 *Conservation Habitat Project:*

18 (i) *Immediately make available relevant information relating*
19 *to the factors that influence the costs and size of the alternatives*
20 *discussed in the environmental impact report or environmental*
21 *impact statement for the species habitat conservation program.*

22 (ii) *Release all available detail on a final project design*
23 *immediately, or upon final determination of a least environmentally*
24 *damaging preferred alternative by the United States Army Corps*
25 *of Engineers. Details of a final project design shall include*
26 *location, configuration, size, and cost.*

27 (iii) *Immediately make available project evaluation protocols*
28 *that include the following principles of adaptive management:*

29 (I) *Goals and objectives of the project.*

30 (II) *The project design and operations plan.*

31 (III) *A monitoring plan that will include metrics that identify*
32 *benefits to the species.*

33 (IV) *A performance evaluation based on species population*
34 *identified through monitoring.*

35 (V) *A decisionmaking framework to evaluate project*
36 *performance and guide operations and management changes.*

37 (b) (1) *The secretary, in consultation and coordination with*
38 *the authority, shall form a technical advisory group composed*
39 *pursuant to paragraph (2) to provide guidance to the secretary*
40 *and the authority in evaluating, developing, or proposing future*

1 *restoration of or economic development activities restoring the,*
2 *Salton Sea.*
3 *(2) The technical advisory group shall be composed as follows:*
4 *(A) The secretary, or his or her designee.*
5 *(B) The secretary may include a representative from any of the*
6 *following:*
7 *(i) The department.*
8 *(ii) The Department of Water Resources.*
9 *(iii) The State Air Resources Board.*
10 *(iv) The State Energy Resources Conservation and Development*
11 *Commission.*
12 *(C) The secretary shall invite the following entities to*
13 *participate:*
14 *(i) Local government agencies and tribal governments with*
15 *geographic, economic, environmental health, or cultural interest*
16 *in the Salton Sea.*
17 *(ii) Nongovernmental organizations with environmental interests*
18 *relating to the Salton Sea.*
19 *(iii) The United States Geological Survey Salton Sea Science*
20 *Office.*
21 *(c) (1) The authority, if it elects to do so, may lead a restoration*
22 *funding and feasibility review study, in consultation with the agency*
23 *and the technical advisory group, to do the following:*
24 *(A) Investigate access and utility agreements that may contribute*
25 *to future funding of restoration activities at the Salton Sea.*
26 *(B) Analyze all feasible funding sources for restoration program*
27 *components and activities.*
28 *(C) Analyze economic development opportunities, including,*
29 *but not limited to, renewable energy, biofuels, mineral*
30 *development, and algae production for the purposes of identifying*
31 *new revenue sources for the Salton Sea restoration efforts.*
32 *(D) Identify state procurement and royalty sharing opportunities.*
33 *(E) Review existing long-term plans for restoration of the Salton*
34 *Sea and recommend to the technical advisory group and the*
35 *secretary changes to existing restoration plans. In any review*
36 *pursuant to this subparagraph, the authority shall consider the*
37 *impacts of the restoration plan on air quality, fish and wildlife*
38 *habitat, water quality, and the technical and financial feasibility*
39 *of the restoration plan and shall consider the impacts on other*
40 *agencies responsible for air quality, endangered species, and other*

1 *environmental mitigation requirements for implementation of the*
2 *Quantification Settlement Agreement.*

3 *(2) No evaluation, study, review, or other activity pursuant to*
4 *this article shall delay the planning and implementation of ongoing*
5 *and planned mitigation projects, including, but not limited to, the*
6 *Salton Sea Species Conservation Habitat Project or other*
7 *mitigation measures pursuant to existing state and federal*
8 *programs and agreements, including, but not limited to, those*
9 *programs and agreements undertaken pursuant to the*
10 *Quantification Settlement Agreement.*

11 *(3) (A) If the authority undertakes a study pursuant to*
12 *paragraph (1), the department shall enter into a funding agreement*
13 *with the authority for the purposes of producing the restoration*
14 *funding and feasibility review study. Provided that funding is*
15 *available to the authority on or before July 1, 2013, the authority*
16 *shall complete the study undertaken pursuant to this subdivision*
17 *and present the study to the Governor and the Legislature on or*
18 *before June 30, 2014.*

19 *(B) A report required to be submitted pursuant to this paragraph*
20 *shall be submitted in compliance with Section 9795 of the*
21 *Government Code.*

22 *2943. For the purposes of considering local, publicly derived*
23 *input concerning habitat objectives and actions, types and levels*
24 *of public access, and integration of air quality management and*
25 *habitat restoration, the secretary shall seek input from the authority*
26 *with regard to the following components of restoration of the*
27 *Salton Sea:*

28 *(a) Design opportunities and constraints, including the*
29 *integration of the habitat, public access, and air quality*
30 *management objectives.*

31 *(b) Public access and recreational components.*

32 *(c) Opportunities for economic development.*

33 *(d) Habitat mosaics and location.*

34 *(e) Vector management and predator control.*

35 *(f) Feasible financial resources to fund all recommended*
36 *restoration program components.*

37 *2945. (a) Nothing in this article interferes with or prevents*
38 *the exercise of authority by a public agency to carry out its*
39 *programs, projects, or responsibilities.*

(b) Nothing in this article affects requirements imposed under any other provision of law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address, as soon as possible, the grave environmental and public health risks that are posed by the threatened condition of the Salton Sea, it is necessary that this act take effect immediately.

~~SECTION 1. Chapter 8 (commencing with Section 8700) of Division 1 of Title 2 of the Government Code is repealed.~~

~~SEC. 2. Chapter 8.1 (commencing with Section 8710) of Division 1 of Title 2 of the Government Code is repealed.~~

~~SEC. 3. The heading of Chapter 1 (commencing with Section 99500) is added to Title 20 of the Government Code, to read:~~

~~CHAPTER 1. GENERAL PROVISIONS~~

~~SEC. 4. Chapter 2 (commencing with Section 99520) is added to Title 20 of the Government Code, to read:~~

~~CHAPTER 2. OFFICE OF CALIFORNIA-MEXICO AFFAIRS~~

~~99520. The Legislature finds and declares the following:~~

~~(a) The United States and Mexican economies have become increasingly integrated, particularly since the 1994 adoption of the North American Free Trade Agreement, or NAFTA.~~

~~(b) This integration has brought both California and Mexico opportunities and challenges in the areas of economic development, labor relations, and environmental protection.~~

~~(c) The California Office of the Southwest Border Regional Conference (formerly commission) was established as part of a~~

1 joint American border states effort to further and develop favorable
2 relations with the six Mexican border states.

3 ~~(d) The efforts of the California office of the conference continue~~
4 ~~to be an essential part of California's interaction with Mexico.~~

5 ~~(e) It is important for the state and for the nation that state~~
6 ~~agencies continue to address important United States-Mexico~~
7 ~~issues.~~

8 ~~(f) The Office of California-Mexico Affairs provides a focal~~
9 ~~point in state government to serve as a clearinghouse for~~
10 ~~information and assistance to other state agencies that are involved~~
11 ~~with Mexico.~~

12 ~~(g) The purpose of this act is to reorganize various code sections.~~
13 ~~These changes are nonsubstantive and technical in nature.~~

14 99521. The following definitions shall govern the construction
15 of this chapter:

16 ~~(a) "Conference" means the Southwest Border Regional~~
17 ~~Conference.~~

18 ~~(b) "Office" means the Office of California-Mexico Affairs.~~

19 99522. ~~(a) There is in state government an Office of~~
20 ~~California-Mexico Affairs. Within this office the operations of the~~
21 ~~California Office of the Southwest Border Regional Conference~~
22 ~~shall be continued.~~

23 ~~(b) The office succeeds to and is vested with all the duties,~~
24 ~~powers, purposes, and responsibilities vested in the California~~
25 ~~office of the conference and previously vested in the Commission~~
26 ~~of the Californias.~~

27 ~~(c) The office shall have possession and control of all records,~~
28 ~~papers, offices, equipment, supplies, moneys, funds, appropriations,~~
29 ~~land, and other property, real or personal, held for the benefit or~~
30 ~~use of the California office of the conference, or previously held~~
31 ~~for the benefit or use of the commission, in the performance of the~~
32 ~~duties, powers, purposes, responsibilities, and jurisdiction of the~~
33 ~~California office of the conference or the commission.~~

34 99523. ~~The members of the Southwest Border Regional~~
35 ~~Conference shall be the Governors of the four American border~~
36 ~~states. The California member of the conference is the Governor~~
37 ~~of California or his designee.~~

38 99524. ~~The office shall further and develop favorable relations~~
39 ~~with the State of Baja California, the State of Baja California Sur,~~
40 ~~other Mexican states bordering on the United States, and the~~

1 remaining states and territories of the Republic of Mexico
2 necessary for the completion of the office's tasks. The office shall
3 cooperate with similar organizations and agencies situated within
4 California, the United States, or Mexico, to further economic
5 development, improve working conditions and living standards,
6 and foster the protection and improvement of the environment in
7 Mexico and California. The office shall avail itself of the services
8 of the San Diego State University, which is engaged in educational,
9 cultural, and research activities with Mexico. The office shall be
10 responsible for carrying out the ongoing responsibilities of the
11 Southwest Border Regional Conference.

12 99525. The Governor shall appoint a director of the office. The
13 director may appoint and employ any personnel that he or she
14 deems necessary to carry out the functions of the office. The office
15 may incur all necessary expenses to effectuate its purposes and
16 may accept grants from federal and state agencies. The office may
17 also accept funds from private organizations or individuals in order
18 to assist the office in the accomplishment of its functions as set
19 forth in this chapter.

20 99526. Members and employees of the office may travel outside
21 of California and may hold hearings and conduct investigations
22 within and outside of the state whenever necessary to carry out
23 the duties set forth in this chapter. Members and employees may
24 acquire any available information from any governmental agency
25 within the United States or Mexico necessary for the completion
26 of their tasks.

27 99527. The office shall be responsible for the establishment
28 of committees in those topic areas deemed necessary by the
29 director. Recommendations of the committees shall not be binding
30 on the Governor or the Legislature but shall only be advisory in
31 nature.

32 SEC. 5. Chapter 3 (commencing with Section 99530) is added
33 to Title 20 of the Government Code, to read:

34
35 CHAPTER 3. CALIFORNIA-MEXICO BORDER RELATIONS COUNCIL

36
37 99530. The following definitions shall apply to this chapter:

38 (a) "Border" means the line of demarcation between California
39 and Mexico.

1 (b) ~~“Council” means the California-Mexico Border Relations~~
2 ~~Council.~~

3 (e) ~~“Public agency” means a city, county, city and county,~~
4 ~~district, or the state or any agency or department of the state.~~

5 99531. (a) ~~The California-Mexico Border Relations Council~~
6 ~~is hereby established in state government. The council shall consist~~
7 ~~of the Natural Secretary of the Resources Agency, the Secretary~~
8 ~~for Environmental Protection, the Secretary of Health and Human~~
9 ~~Services, the Secretary of Business, Transportation and Housing,~~
10 ~~the Secretary of Food and Agriculture, and the Director of~~
11 ~~Emergency Services.~~

12 (b) ~~The Secretary for Environmental Protection shall chair the~~
13 ~~council.~~

14 99532. ~~The council shall do all of the following:~~

15 (a) ~~Coordinate activities of state agencies that are related to~~
16 ~~cross-border programs, initiatives, projects, and partnerships that~~
17 ~~exist within state government, to improve the effectiveness of state~~
18 ~~and local efforts that are of concern between California and~~
19 ~~Mexico.~~

20 (b) ~~Establish policies to coordinate the collection and sharing~~
21 ~~of data related to cross-border issues between and among agencies.~~

22 (c) ~~Identify and recommend to the Legislature changes in law~~
23 ~~needed to achieve the goals of this section.~~

24 99533. ~~Beginning January 1, 2008, the council shall submit a~~
25 ~~report to the Legislature on the council’s activities annually.~~

26 SEC. 6. ~~Section 71103.5 of the Public Resources Code is~~
27 ~~amended to read:~~

28 71103.5. (a) ~~The Legislature finds and declares all of the~~
29 ~~following:~~

30 (1) ~~The New River poses an imminent and severe threat to the~~
31 ~~public health of residents of Calexico, California, and adjacent~~
32 ~~communities in Imperial County. Since the 1940s, the New River~~
33 ~~has been recognized as a significant pollution and human health~~
34 ~~problem, primarily because of extremely high concentrations of~~
35 ~~fecal coliform bacteria.~~

36 (2) ~~While there have been recent measurable water quality~~
37 ~~improvements as a result of sewage infrastructure projects~~
38 ~~implemented and completed during the last 10 years in Mexicali,~~
39 ~~Mexico, the residual and projected pollution in the New River~~

1 coming from Mexico remains a significant threat to public health
2 and the environment.

3 (3) ~~Current bacteria levels in the New River are several orders~~
4 ~~of magnitude above the state standards for bacteria. Based on these~~
5 ~~levels and the historic levels of pollution, the waterway is believed~~
6 ~~to carry pathogens that cause tuberculosis, encephalitis, polio,~~
7 ~~cholera, hepatitis, and typhoid. The waterway also carries other~~
8 ~~contaminants in concentrations that are in violation of federal,~~
9 ~~state, and Mexican water quality standards by several hundredfold.~~

10 (4) ~~The New River is listed as an impaired river by the United~~
11 ~~States Environmental Protection Agency due to low dissolved~~
12 ~~oxygen (DO) and the presence of chlordane, chlorpyrifos, copper,~~
13 ~~dichloro-diphenyl-trichloroethane (DDT), diazinon, dieldrin,~~
14 ~~mercury, nutrients, pathogens, polychlorinated biphenyls (PCBs),~~
15 ~~sediment, selenium, toxaphene, toxicity, trash, and volatile organic~~
16 ~~compounds (VOCs).~~

17 (5) ~~The New River is a major contributor of pollution to the~~
18 ~~Salton Sea, and failure to address water quality problems in the~~
19 ~~New River are impeding the ability of the state to implement laws~~
20 ~~and programs designed to restore and protect this important~~
21 ~~environmental and wildlife habitat resource.~~

22 (6) ~~The New River condition in the border area is also an~~
23 ~~aesthetic nuisance for Calexico residents and has historically~~
24 ~~inhibited the city's socioeconomic well-being and growth.~~

25 (7) ~~A coordinated and comprehensive state strategy is needed~~
26 ~~to deal with the residual and projected pollution so that the New~~
27 ~~River and associated river channel can be enhanced to a condition~~
28 ~~that will allow the residents of Calexico and Imperial County to~~
29 ~~utilize them as recreational and natural assets as contemplated in~~
30 ~~the California River Parkways Act of 2004 (Chapter 3.8~~
31 ~~(commencing with Section 5750) of Division 5).~~

32 (8) ~~In the Budget Act of 2009, as amended by Chapter 1 of the~~
33 ~~Statutes of 2009 Fourth Extraordinary Session, eight hundred~~
34 ~~thousand dollars (\$800,000) was appropriated to the City of~~
35 ~~Calexico for various planning needs necessary to develop a river~~
36 ~~parkway plan and river improvement project for the New River.~~
37 ~~The moneys were appropriated in order to secure and serve as~~
38 ~~matching funds for the four million dollars (\$4,000,000) allocated~~
39 ~~pursuant to the Safe, Accountable, Flexible, Efficient~~
40 ~~Transportation Equity Act: A Legacy for Users (Public Law~~

1 109-59) to the City of Calexico for the development of bicycle
2 paths and public park space adjacent to the New River.

3 (9) The City of Calexico, as the recipient of funding pursuant
4 to the California River Parkways Act of 2004, has agreed to provide
5 necessary financial support to the council for the development of
6 the council's strategic plan.

7 (b) As used in this section, the following terms have the
8 following meanings:

9 (1) "Agency" means the California Environmental Protection
10 Agency.

11 (2) "City" means the City of Calexico, California.

12 (3) "Council" means the California-Mexico Border Relations
13 Council established pursuant to Section 99531 of the Government
14 Code.

15 (4) "County" means the County of Imperial, California.

16 (5) "IBWC" means the International Boundary and Water
17 Commission, United States Section.

18 (6) "New River Improvement Project" or "project" means a
19 project to study, monitor, remediate, and enhance New River water
20 quality in the County of Imperial to protect human health, and
21 develop a river parkway suitable for public use and enjoyment.

22 (c) Pursuant to the authority granted to the council under Section
23 99532 of the Government Code and contingent upon the execution
24 of an agreement with the City of Calexico for the purpose of
25 providing the necessary funding, the council shall develop a
26 strategic plan to guide the implementation of the New River
27 Improvement Project. The strategic plan shall include, but need
28 not be limited to, all of the following elements:

29 (1) Quantification of current and projected New River water
30 quality impairments and their threat to public health.

31 (2) Prioritization of the actions necessary to protect public health
32 and to meet New River water quality objectives and other
33 environmental goals, such as improving the quality of water flows
34 into the Salton Sea.

35 (3) Identification of potential funds for the implementation of
36 the project, and potential lead agencies that would be responsible
37 for environmental review of activities related to the cleanup and
38 restoration of the New River.

~~(4) Identification of the appropriate federal, state, and local agencies with a role in implementing and achieving the New River Improvement Project.~~

~~(d) (1) To the extent permitted by law, the council may work with appropriate binational, federal, state, local, and nongovernmental organizations on both sides of the California-Mexico border to develop the strategic plan and to fund and establish cooperative water quality monitoring, public health studies, inspection, and technical assistance programs as needed to support, convene, and oversee the project.~~

~~(2) To further the objectives of this subdivision, the council may convene and oversee a technical advisory committee. The advisory committee shall advise the council regarding the necessary studies and activities to carry out the project, and shall serve at the pleasure of the council. The advisory committee shall include representatives from the following:~~

~~(A) Impacted cities and counties.~~

~~(B) Relevant local, regional, and state agencies and departments.~~

~~(C) Nongovernmental organizations.~~

~~(D) Other stakeholders deemed necessary by the council.~~

~~(3) The council shall appoint the chair of the committee and may expand the membership and expertise of the committee as it deems necessary.~~

~~(4) The council may enter into an agreement, including an interagency agreement and memorandum of understanding, with public agencies, including the city, to accept, manage, and expend funds for the implementation of this section.~~

~~(e) This section does not modify existing roles, responsibilities, or liabilities of the State of California, the City of Calexico, Imperial County, or any other governmental agency, under those laws that regulate, protect, and clean up surface waters entering the United States from Mexico.~~

~~(f) The New River Improvement Project Account is hereby created in the California Border Environmental and Public Health Protection Fund to receive moneys for activities related to the New River Improvement Project from sources identified in Section 71101 and other sources. Upon appropriation by the Legislature, moneys in the account shall be expended to implement the purposes~~

1 ~~identified in subdivision (c) or Section 71102 that are related to~~
2 ~~the New River.~~

O